

### **REMARKS**

Claim 1 was previously cancelled and claims 8-15 stand withdrawn. Claims 2-3, 6 and 17-18 are newly amended. No new matter is added by virtue of the within amendments; support therefore can be found throughout the specification and original claims of the application.

As an initial matter, Applicant appreciates the indication of allowable subject matter, i.e., that claim 16 is currently allowable over the prior art and that claims 17-18 are merely objected to. It is believed that the within amendments place all claims under examination in condition for allowance.

As a further initial matter, if there is any opportunity for rejoinder of withdrawn claims 8-15 upon allowance of the product recited in the instant claims, Applicant requests reconsideration and rejoinder in that regard.

Claims 17-18 are objected to under 37 CFR 1.75(c), as allegedly failing to further limit the subject matter of a previous claim.

Applicant has amended claims 17-18, which respectively depend from claims 3 and 6, to exclude the compounds represented by the formula (3) wherein  $m=1$ .

Claims 2-7 are rejected under 35 USC §112, 1<sup>st</sup> paragraph. The Office Action expressly acknowledges that the specification is enabling for compounds where L is an  $\eta^6$ -benzene. However, the position is taken that the application lacks reasonable enablement for any other ligands.

Without acquiescing to the grounds for the rejection, but to expedite allowance of the application, Applicant has amended claims 2-3 and 6 to so limit L and obviate the rejection. Accordingly, it is respectfully requested that the rejection be reconsidered and withdrawn.

In view of the above amendments and remarks, Applicant believes the pending application is in condition for allowance.

### **FEE AUTHORIZATION**

Should any fees associated with the submission be required, the Commissioner is authorized to charge such fee to our Deposit Account, No. 04-1105, Reference 66057 (71526). Any overpayments should be credited to said Deposit Account.

Dated: September 17, 2009

Respectfully submitted,

Electronic signature: /Christine C. O'Day/  
Christine C. O'Day

Registration No.: 38,256  
EDWARDS ANGELL PALMER & DODGE  
LLP

P.O. Box 55874  
Boston, Massachusetts 02205  
(617) 517-5558  
Attorneys/Agents For Applicant